

PART III – LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS
SECTION J – LIST OF ATTACHMENTS
ATTACHMENT E – SENSITIVE FOREIGN NATIONS CONTROL

In accordance with the contract clause in Section I entitled "Sensitive Foreign Nations Controls," this Attachment sets forth the requirements the contractor must comply with during the performance of work under this contract.

1. Definition of Sensitive Country

Sensitive Country (Reference DOE Order No. 1240.2B)

For purposes of this contract, a "sensitive country" shall be one of the countries listed below:

Algeria
Armenia
Azerbaijan
Belarus
China (People's Republic of China)
Cuba
Georgia
India
Iran
Iraq
Israel
Kazakhstan
North Korea (Democratic People's Republic of)
Kyrgyzstan
Libya
Moldavia
Pakistan
Russia
Sudan
Syria
Taiwan (Republic of China)
Tajikistan
Turkmenistan
Ukraine
Uzbekistan

2. Definitions

- a. Foreign National A foreign national is any person who is not a U.S. national or is a stateless person.
- (1) Immigrant Alien A foreign national authorized by the Immigration and Naturalization Service to reside and work in the U.S. for an indefinite period and who is eligible to become, in time, a U.S. citizen. Most immigrant aliens may also be referred to as Permanent Resident Aliens (PRA's).
- (2) Stateless Person One who currently is without nationality (a) by the action of a state in withdrawing the protection of nationality, (b) by his or her own action in effectively renouncing the nationality previously held, or (c) because he or she has never held nationality due to the circumstances of birth.

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- b. Exchange Visitor Program A program sponsored by the United States Information Agency. The program provides for joint projects, research assignments, or specialized training at Department of Energy (DOE) facilities by foreign nationals selected by officials of their country, or by DOE to promote the general interest of international exchange.
- c. Foreign National Visits Foreign nationals sponsored for visits or assignments may include, among others:
 - (1) Officials or other persons employed by foreign governments or other foreign institutions, who may or may not be involved in cooperation under international agreements;
 - (2) Foreign students at U.S. institutions;
 - (3) Employees of DOE or other U.S. Government agencies or their contractors, of universities, of companies (professional or service staff), or of other institutional; and
 - (4) Prospective employees of DOE or DOE contractors.
- d. High Level or Protocol Visits This connotes the visit of a foreign national who is afforded special consideration for policy reasons.
- e. Indices Check A procedure whereby a request is made to appropriate U.S. Government agencies to determine if information exists on a particular foreign national.
- f. Security Facility A specific physically bounded area, individually certified by the cognizant security officer in accordance with DOE Order 5632.1A, which has been approved by DOE for generating, receiving, using, processing, storing, reproducing, transmitting, destroying, or handling special nuclear material or classified matter. A security facility temporarily sanitized to protect a security interest during a visit or assignment continues to be a security facility for the purpose of DOE Order 1240.2B.
- g. Sensitive Facility A designated DOE facility listed in DOE Order 1240.2B which contains one or more security facilities and/or nonproliferation information, technology or other sensitive subjects.
- h. Sensitive Subjects Unclassified subject/topic identified by DOE which involves information, activities, and/or technologies that are relevant to national security. Disclosure of sensitive subjects has the potential for enhancing nuclear weapons capability, leading to nuclear proliferation, divulging militarily critical technologies, or revealing other advanced technologies. Therefore, they require special management oversight, especially prior to release to foreign nationals. Some sensitive subjects are already controlled as Unclassified Controlled Nuclear Information or as Export Controlled Information under U.S. laws and regulations.
- i. Security Plan A plan developed and implemented to protect DOE and DOE contractor personnel and facilities, and to prevent the compromise of a DOE security interest or sensitive subject to a foreign visitor or assignee; this is a critical element of the visits and assignments system.

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- j. Sensitive Country A country to which particular consideration is given for policy reasons during the DOE internal review and approval process of visits and assignments by foreign nationals. Countries may appear on this list for reasons of national security, nuclear nonproliferation, regional instability, or terrorism support. The DOE list does not necessarily reflect the policies or views of any other agency of the U.S. Government. For purposes of DOE Order 1240.2B, a foreign national is considered to be from a sensitive country, if any of the following is true:
 - (1) Citizen of a sensitive country;
 - (2) Place of employment in a sensitive country;
 - (3) Place of birth in a sensitive country unless the person is now a U.S. citizen (or in accordance with other DOE guidance);
 - (4) A stateless person.
 - k. Host A DOE or DOE contractor or employee who is sponsoring a visitor or assignee under DOE Order 1240.2B. A visitor or assignee is not permitted to be a host.
 - l. Visit Presence of an invited foreign national at a DOE facility or at a meeting or other interaction in the U.S. sponsored by a DOE facility for seven calendar days or less, or if in accordance with an international agreement of 21 calendar days or less. Visits are normally for the purpose of technical discussions, orientation tours, observation of projects or equipment, contract service work, or discussion of collaboration on topics of mutual interest without participation in the work of the facility, or for courtesy purposes.
 - m. Assignment Presence of an invited foreign national at a DOE facility, or at a meeting or other interaction in the U.S. sponsored by a DOE facility, for more than seven calendar days in the absence of an international agreement, or for the number of days specified in an international agreement. Assignments are limited to two years duration (one year for sensitive cases), subject to extension in accordance with DOE Order 1240.2B. Assignments are normally for the purpose of participating in the work of the facility, gaining experience, or contributing to projects. Assignees may include employees, guests, or consultants.
3. Prior Approvals Relating to Foreign Nationals
- a. Foreign visits and assignments pertaining to DOE programs must be in accordance with DOE Order 1240.2B and other DOE policies furnished in writing to the contractor.
 - b. Prior DOE approval shall be obtained for travel to the Sensitive Countries by a contractor employee, while employee's salary is directly charged to contract funds, or by any person whose travel is to be reimbursed from the contract fund.
4. Reports Relating to Foreign Visits and Assignments
- a. Host Report Requirements To enable the approving official to evaluate the effectiveness of visits and assignments, and to assist in determining the desirability of future such visits and assignments, host reports are required for those visits and assignments for which approval authority has not been designated. The host report will be submitted to DOE in accordance with DOE Order 1240.2B.

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- b. On a request of the Contracting Officer, the Contractor shall furnish a semiannual report to DOE-ID on total foreign national employment.